

Ordinance No. _____, Series 2007

**AN ORDINANCE AMENDING AND REENACTING
CHAPTER 71 OF THE LOUISVILLE/JEFFERSON
COUNTY METRO GOVERNMENT CODE OF
ORDINANCES RELATING TO TRAFFIC RULES.**

**Sponsored By: Councilman Rick Blackwell, District 12
and Councilman Kelly Downard, District 16**

**NOW THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT [THE COUNCIL] AS
FOLLOWS:**

SECTION I. Chapter 71 of the Louisville/Jefferson County Metro Government Code of
Ordinances is hereby amended and reenacted as follows:

§ 71.01 DEFINITIONS

For purposes of this Chapter, the following definitions shall apply unless the
context clearly indicates or requires a different meaning:

CENTRAL TRAFFIC DISTRICT. That geographical area within Louisville Metro
bounded on the north by Market Street, on the east by Second Street , on the south by
Broadway, and on the west by Fifth Street .

CHIEF OF POLICE. The Chief of the Louisville/Jefferson County Metro Police
Department or such police officer as he/she shall designate from within the Police
Department.

COMMERCIAL VEHICLE. Any vehicle which is required to be registered under
the terms of KRS 186.050(3).

CROSSWALK. That part of a roadway at an intersection within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

DIRECTOR. The Director of the Louisville Metro Department of Public Works and Assets or such person as he/she shall designate.

INTERSECTION. That part of the public way embraced within the extensions of the street lines of two or more streets which join at an angle whether or not one such street crosses the other.

MOPED. A motorized bicycle whose frame design may include one or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step through type frame which may or may not have pedals rated no more than two brake horsepower, a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than 30 miles per hour.

PEDESTRIAN. Any person afoot.

PERSON. An individual, partnership, corporation, or unincorporated group or association

POLICE DEPARTMENT. The Louisville Metro Police Department

PUBLIC WAY. The entire width between property lines of every way, dedicated passway, road, or street set aside for public travel, except bridle paths and foot paths.

RIGHT OF WAY. The privilege of the immediate and preferential use of a street.

STOPPING. To stop a vehicle longer than is actually necessary to receive or discharge passengers.

STREET. Every public road, interstate highway, avenue, alley, or boulevard, bridge, viaduct or trestle and the approaches to them and includes off street parking facilities offered for public use, whether publicly or privately owned, except for hire parking facilities listed in KRS 189.700.

TRAFFIC. Pedestrians, vehicles, buses and other conveyances, individually or collectively, while using any street for the purpose of travel.

TRAFFIC_CONTROL DEVICE. All signs, signals, warnings, directions, markings and devices placed or erected or maintained by authority of the ~~Works~~ Director.

VEHICLE or MOTOR VEHICLE. Every device in, on or by which any person or property is or may be transported or drawn on any street except devices moved by human power or used exclusively on stationary rails or tracks, which vehicle does not travel more than five miles from the boundaries of Jefferson County.

GENERAL PROVISIONS

~~§ 71.01~~ **§ 71.02** OBSTRUCTION OF TRAFFIC.

(A) It shall be unlawful to operate any vehicle or to permit any vehicle to remain standing on any street in Jefferson County in such manner as to create an obstruction to vehicular or pedestrian traffic.

(B) It shall be unlawful for the operator of any vehicle to enter any intersection or crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding the indication of any traffic_control signal which may be located at the intersection or crosswalk.

(C) Any intersection deemed by ~~the Louisville/Jefferson County Public Works and Transportation Division of the Environmental and Community Development Department, or any successor agency or department thereof,~~ the Director to be of special or critical importance to the movement of traffic shall be clearly marked in a distinctive manner as to indicate such importance. Should the operator of any vehicle enter any such intersection so marked when there is insufficient room on the other side of the intersection to accommodate the vehicle, the indication of any traffic_control signal notwithstanding, the operator shall be deemed to have violated this ~~ordinance~~ subsection (C) rather than subsection (B) of this ~~ordinance~~. above.

~~§ 71.02~~ § 71.03 TRAFFIC LANES.

(A) ~~In addition to its other responsibilities and duties, the department of public works~~ The Director is authorized to mark by suitable signs or markings as authorized by state law:

(1) Traffic lanes on any portion of the roadway of any street where the regular alignment of traffic is deemed necessary;

- (2) Intersections to specifically prohibit right hand turns; ~~at such intersection;~~
- (3) Any intersection deemed by the ~~director of works~~ Director to be of special or critical importance to the movement of traffic in a distinctive manner as to indicate such importance;
- (4) To prohibit ~~Any intersections where~~ left hand turns ~~shall not be permitted at any intersection~~ where such turning turns interferes with the safe and orderly movement of traffic;
- (5) To prohibit truck commercial vehicle traffic by order of the Director of ~~public works~~, on any public way ~~of in~~ Jefferson County, ~~if, where~~ in the Director's discretion, the public way is deemed so narrow that ~~truck commercial vehicle~~ traffic along and through it would create a hazard to health or property. Any person operating a ~~truck commercial vehicle~~ along any public way so marked shall be fined as provided in § 70.99.
- (6) Crosswalks within the central traffic district, and in addition, as near as practicable to the middle of any block in the central traffic district, or in any area where the Director determines there is a particular danger to pedestrians crossing the roadway.

~~§ 71.03~~ § 71.04 BACKING VEHICLES.

It shall be unlawful for the operator of any vehicle to back the vehicle at any intersection for the purpose of executing a turning movement. A vehicle from any

parking position shall be backed by the operator in such manner as to proceed on the same side of the roadway in the lawful direction of travel.

~~§ 71.04~~ § 71.05 VEHICLES CROSSING SIDEWALKS.

(A) It shall be unlawful for the operator of any vehicle to drive within any sidewalk space except at a permanent or temporary driveway or by special permit from the ~~director of department of public works~~ Director.

(B) It shall be unlawful for the operator of any vehicle to drive the vehicle out of any alley, driveway, building, or lot and across a sidewalk, or its extension across the alley, unless the vehicle has been brought to a complete stop immediately prior to crossing the sidewalk or its extension. On entering the roadway from the alley, driveway, or building the operator shall yield the right-of-way to all vehicles approaching on the roadway. The operator of any vehicle intending to cross a sidewalk and turn into an alley from the roadway ~~may~~ shall do so at low speed and with caution.

~~§ 71.05 PENALTY.~~

~~—— (A) Any person who violates § 71.01 of this ordinance shall be fined not less than \$25 nor more than \$100.~~

~~—— (B) Any person, owner, or operator of any such vehicle who violates any of the provisions of §§ 71.02, 71.03, and/or § 71.04 of this ordinance shall be fined not less than \$25 nor more than \$250 for each offense.~~

FUNERAL PROCESSIONS

~~§ 71.10 DEFINITIONS.~~

~~—— For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—— **INTERSECTION.** That part of the public way embraced within the extensions of the street lines of two or more streets which join at an angle whether or not one such street crosses the other.~~

~~—— **PEDESTRIAN.** Any person afoot.~~

~~**PUBLIC WAY.** The entire width between property lines of every way, dedicated passway or road set aside for public travel, except bridle paths and foot paths.~~

~~—— **RIGHT_OF_WAY.** The privilege of the immediate and preferential use of the street.~~

~~—— **STOPPING.** To stop a vehicle longer than is actually necessary to receive or discharge passengers.~~

~~—— **STREET.** Every public road, interstate highway, avenue, alley, or boulevard, bridge, viaduct or trestle and the approaches to them and includes off_street parking facilities offered for public use, whether publicly or privately owned, except for_hire parking facilities listed in KRS 189.700.~~

~~—— **TRAFFIC.** Pedestrians, vehicles, buses and other conveyances, individually or collectively, while using any street for the purpose of travel.~~

~~—— **TRAFFIC_CONTROL_DEVICE.** All signs, signals, warnings, directions, markings and devices placed or erected or maintained by authority of the Department of Public Works.~~

~~**VEHICLE.** Every device in, on or by which any person or property is or may be transported or drawn on any street except devices moved by human power or used exclusively on stationary rails or tracks.~~

~~**§ 71.11 APPLICABILITY.**~~

~~—— The provisions of this ordinance shall apply to all funeral processions conducted on the public ways of Jefferson County.~~

~~**§ 71.12 CONDUCTING ON PUBLIC WAYS; RULES AND REGULATIONS.**~~

~~—— (A) All funeral processions. shall move on and through the public streets of the metropolitan area as expeditiously as possible with due regard to custom and traffic conditions and shall be led or piloted by the undertaker or by his duly authorized agent or representative.~~

~~—— (B) On all vehicles in the funeral procession, there shall be displayed in a conspicuous manner a flag or pennant furnished by the director in charge of the funeral, with the word “funeral” clearly printed thereon, and all such vehicles shall turn on their headlights while moving in the funeral procession.~~

~~—— (C) When a traffic_control device changes to “red” while a funeral procession is passing it, the procession shall continue moving and cross_traffic shall stop until the entire procession has passed through the signal. When a funeral procession, has been led into an intersection, the lead car having observed the traffic_control device or the procession having been led into the intersection by a law enforcement officer, the procession shall have the right_of_way through the intersection until all vehicles have~~

~~left the intersection. While a funeral procession is passing through an intersection of a street it shall have the right of way through such intersection until all vehicles in the procession have passed through such intersection, regardless of any other rule, regulation, ordinance, statute or any form of traffic control device.~~

~~———(D)—— No driver of a moving vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this ordinance.~~

~~§ 71.13 PENALTY.~~

~~———Any person who violates any provision of §§ 71.10 through 71.12 shall be guilty of a violation and shall be fined not less than \$25 nor more than \$100.~~

OPERATION OF MOPEDS

~~§ 71.25 DEFINITIONS.~~

~~———For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~———**HIGHWAY.** Any road, street, avenue, boulevard, lane, court or bridge, viaduct or trestle and the approaches to them and includes off-street parking facilities for public use whether publicly or privately owned.~~

~~———**MOPED.** A motorized bicycle whose frame design may include one or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step-through type frame which may or may not have pedals rated no more than two brake horsepower, a cylinder capacity not exceeding 50 cubic~~

~~centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than 30 miles per hour.~~

OPERATION OF MOPEDS

§ 71.26 § 71.25 RULES AND REGULATIONS.

(A) Every person shall, before operating a moped upon a ~~highway~~ street located within the geographical boundaries of Jefferson County, be 16 years of age or older and must secure and have in his possession a valid operator's license or instruction permit as provided in KRS Chapter 186.

(B) Parents or legal guardians of any minor under the age of 18 years shall not authorize ~~nor~~ or permit such minor to violate any provision of this ordinance under circumstances where the parent or guardian knew or should have known of such violation.

(C) No person shall operate or ride as a passenger on a moped unless that person wears approved protective headgear and an approved eye protective device required for motorcycle operators and passengers, ~~in the manner prescribed which~~ protective headgear meets the minimum requirements proscribed by the Secretary of the Kentucky Transportation Cabinet ~~in~~ under 601 KAR 14:010.

(D) No person shall operate or ride as a passenger on a moped except on a seat permanently attached to that moped and specifically designed to carry the operator or passenger in a safe manner and except when using a foot rest permanently attached to that moped and specifically designed to carry that person in a safe manner.

(E) No operator of any moped on a Jefferson County highway shall drive the moped abreast of any operator of any other vehicle while in the same lane as that vehicle.

(F) No operator of any moped shall drive the vehicle upon or within any public park or public school real property within the geographical boundaries of Jefferson County unless a designated path or roadway exists therein as determined and posted by the appropriate authority or public body entitled under law to exercise control in such area, or unless general vehicular operation is otherwise permitted.

(G) No operator of any moped shall drive the vehicle upon any sidewalk within the geographical boundaries of Jefferson County.

(H) All operators of mopeds on Jefferson County ~~highways~~ streets shall use the appropriate light signals when stopping or turning.

(I) No moped shall be operated on Jefferson County ~~highways~~ streets unless it is equipped with:

(1) At least one and not more than two headlamps which shall comply with ~~these~~ the requirements and limitations of KRS 189.040.

(2) One red light, which when lighted or a red reflector, which upon illumination, is visible for at least 500 feet.

(3) At least one white reflector on each side of both the front and rear wheel and which, upon illumination, are visible by approaching vehicles from a distance of at least 100 feet.

(4) A horn or other device capable of making an abrupt sound sufficiently loud to be heard under all ordinary traffic conditions.

(5) An exhaust system where applicable, incorporating a muffler or other mechanical device for the purpose of reducing engine noise. The system shall be securely attached and located so as not to interfere with the operation of the moped. Shielding shall be provided to prevent inadvertent bodily contact with the exhaust system during normal operation. No modification of said system shall be made which would effectively defeat the purposes of this provision.

(6) A flag attached to a vertical pole of not less than four feet in length.

(7) A rear view mirror.

(J) The operator of a moped upon any Jefferson County ~~highway~~ street shall operate the vehicle in a careful manner, with regard for the safety and convenience of pedestrians and other vehicles upon the street.

(K) No person shall authorize or knowingly permit a moped owned or controlled by him him/her to be driven by any person who has no legal right to drive it.

(L) All retail moped dealers shall display at all times in a prominent place a printed card at least eight inches by 11 inches in size which shall ~~show~~ display, in 30 point or larger type, ~~substantially as follows~~ the following:

(1) Persons under the age of 16 may not operate a moped on a public highway, road, street or avenue.

(2) Persons operating a moped on a public highway, road, street or avenue must have in their possession a valid motor vehicle operator's license as required by KRS 186.410.

~~§ 71.27~~ § 71.26 OPERATION BY MINOR; IMPOUNDMENT.

Whenever any moped is operated by a minor, in violation of the provisions of this ordinance, such moped may be seized by any peace officer and impounded. The moped so impounded shall be surrendered to the parent or legal guardian after payment of any assessed fines and towing charges, if applicable. The remedy of impoundment shall be in addition to the penalties provided in ~~§ 71.28.~~ § 71.99 of this Chapter.

~~§ 71.28 PENALTY.~~

~~Any person violating §§ 71.25 through 71.27 shall be fined not less than \$20 nor more than \$100.~~

PARADES

~~§ 71.40 DEFINITIONS.~~

~~For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~**CHIEF OF POLICE.** The Chief of the Louisville/Jefferson County Police Department or such police officer as he shall designate from within the Police Department.~~

~~**PARADE.** Any parade, march, ceremony, show, foot race or other organized formation or procession of 50 or more persons, vehicles, or animals or any combination thereof, in or upon any street, way, highway, road, sidewalk, park or other public place in Jefferson County, or any other organized procession, race, or formation which may cause substantial interference with the free flow of traffic upon the aforementioned county ways.~~

~~—— **PARADE PERMIT.** A permit issued by the Chief of Police or his designee as required by this ordinance.~~

~~**PERSON.** An individual, partnership, company or corporation.~~

~~—— **POLICE DEPARTMENT.** The Louisville/Jefferson County Police Department.~~

PARADES

§ 71.41 PERMIT REQUIRED.

~~(A) — No person shall participate or take part in, promote, organize, form, hold or assist in organizing any parade unless a parade permit has been obtained from the Chief of Police or his designee.~~

~~(B) — The Chief of Police or his designee shall issue such permit in all cases except where the time, place and manner are not in conformity with the rules set forth below and except where the permit would conflict as to time or place with a permit previously issued.~~

~~—— (C) — This ordinance shall not apply and therefore no parade or needs to be obtained with regard to the following activities:~~

~~—— (1) — Funeral processions;~~

~~—— (2) — Picket lines~~

~~—— (3) — Students going to and from school classes or participating in educational activities, providing the conduct is under the immediate direction and supervision of the proper school authorities;~~

~~—— (4) — Any parade, as previously defined herein, which takes place and is conducted wholly and/or entirely within the corporate boundaries of one or more or municipalities which has enacted legislation pertaining to the same or similar subject~~

~~matter as regulated by this ordinance, if the municipal legislation by its terms regulates such conduct and does so by the use of standards which are the same as or more stringent than those set forth herein.~~

~~—————(5)—— A governmental agency conducting a procession or ceremony within the scope of its functions;~~

~~§ 71.42 APPLICATION OF PERMIT.~~

~~(A)—— A person seeking issuance of a parade permit shall file an application with the Police Department in a manner specified by the Chief of Police or his designee on forms provided by the Police Department for that purpose.~~

~~(B)—— An application for a parade permit shall be filed with the Police Department not less than five days nor more than 60 days before the date on which the parade is proposed to take place.~~

~~—————(C)—— The application for a parade permit shall set forth the following information~~

~~—————(1)—— The name, address, and telephone number of the person seeking to conduct the parade;~~

~~—————(2)—— If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of the organization;~~

~~(3)—— The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;~~

~~—————(4)—— The date when the parade is to be conducted;~~

~~_____ (5) The route to be traveled the starting point and the termination point;~~

~~_____ (6) The approximate number of persons, animals, and vehicles which will constitute the parade, the type of animals, if any, and the description of the vehicles;~~

~~_____ (7) The hours when the parade will start and terminate;~~

~~_____ (8) A statement as to whether the parade will occupy all or any a portion of the width of the streets, sidewalk, park, or other public place proposed to be traversed;~~

~~_____ (9) The location by street of any assembly area for the parade;~~

~~_____ (10) The time at which units of the parade will begin to assemble at any such assembly area or areas;~~

~~_____ (11) The interval of space to be maintained between units of the parade;~~

~~_____ (12) If the parade is designed to be held by and on behalf of or for, any person other than the applicant, the applicant for the permit shall file with the Police Department a communication in writing from the person authorizing the applicant to apply for the permit on his behalf; and~~

~~(D) There shall be paid at the time of filing an application for a parade permit a fee of \$10.~~

~~§ 71.43 STANDARDS FOR ISSUANCE OF PERMIT.~~

~~_____ The Chief of Police or his designee shall issue a parade permit unless, from the consideration of the application and from other information obtained he finds one or more of the following:~~

~~—— (A) — The sole purpose of the parade is advertising any product, goods, wares, merchandise or event and is designed to be held for private profit; or~~

~~—— (B) — The time, route and size of the parade will substantially disrupt the use of any street or any public place or will substantially interrupt the safe and orderly movement of other traffic contiguous to its route;~~

~~—— (C) — The parade is of a size or nature that its conduct requires the diversion of so great a number of police officers to properly police the line of movement and the area contiguous thereto that allowing the parade would deny reasonable police protection to Jefferson County; or~~

~~—— (D) — The parade is of a size and nature that its conduct would interfere with the proper fire and police protection or ambulance service to the areas contiguous thereto, or would interfere with the movement of ambulances or police or fire vehicles and equipment, or other similar emergency vehicles or equipment.~~

~~§ 71.44 NOTICE OF REJECTION OF PERMIT.~~

~~—— The Chief of Police or his designee shall act on the application for a parade permit within three days, Saturdays, Sundays and holidays excepted, after the filing thereof. If the Chief of Police or his designee disapproves the application, he shall mail the applicant, within three days, Saturdays, Sundays and holidays excepted, after the date on which the application was filed, a notice of his action stating the reasons for his denial~~

~~§ 71.45 ALTERNATIVE PERMIT.~~

~~—— (A) — The Chief of Police, or his designee, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade may offer to issue the permit on a date, at a time or over a route different than that named by the applicant if so acting would facilitate crowd control or serve the interests of relieving congestion on public ways or promote public safety provided that the applicant's right of free speech is not denied thereby.~~

~~—— (B) — An applicant desiring to accept an alternative permit shall, within three days after notice of the action of the Chief of Police or his designee, file a written notice of his acceptance with the Police Department.~~

~~—— (C) — An alternative parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this ordinance.~~

~~§ 71.46 CONTENTS OF A PERMIT.~~

~~—— Each parade permit shall state the following information:~~

~~—— (A) — Starting time~~

~~—— (B) — Minimum speed~~

~~—— (C) — Maximum speed~~

~~—— (D) — Maximum interval of space to be maintained between the units of the parade;~~

~~—— (E) — The portions of the street, sidewalk, park or other public place area to be traversed, utilized, or that may be occupied by the parade;~~

~~—— (F) — The maximum length of the parade in miles or fractions thereof;~~

~~—— (G) — Such other information as Chief of Police or his designee shall find necessary to the enforcement of this ordinance.~~

~~§ 71.47 DUTIES OF PERMITTEES.~~

~~—— A permittee hereunder shall comply with all directions and conditions set out in the parade permit,, and with all other applicable laws and ordinances. The parade chairman or other person heading or leading the activity shall carry the parade permit on his person during the conduct of the parade.~~

~~§ 71.48 PUBLIC CONDUCT DURING PARADES~~

~~—— (A) — *Interference.* No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade~~

~~—— (B) — *Driving through parades.* No driver of a vehicle except a police car or similar emergency vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade unless otherwise directed by a police officer.~~

~~—— (C) — *Parking on parade route.* The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or other public thoroughfare or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to such effect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be~~

~~liable for parking on a street or other public thoroughfare unposted in violation of this ordinance.~~

~~§ 71.49 REVOCATION OF PERMIT.~~

~~—— The Chief of Police or his designee shall have the authority to revoke a parade permit issued hereunder on application of the standards for issuance as herein set forth or if the terms, directions, or conditions provided in the parade permit are not complied with.~~

~~§ 71.50 PENALTY.~~

~~—— Any person who violates §§ 71.40 through 71.49 of this ordinance shall be guilty of a violation and shall be fined not less than \$25 nor more than \$100.~~

~~SAFETY BELTS~~

~~§ 71.60 DEFINITIONS.~~

~~For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—— **MOTOR VEHICLE.** Any self-propelled vehicle which is capable of transporting one or more persons, but shall not include motorcycles, school buses, church buses or other public conveyance vehicle; and road rollers, road graders, farm tractors, vehicles on which power shovels are mounted and such other construction and farming equipment customarily only used on the site of construction or farming and which is not practical for the transportation of persons or property upon the highways.~~

~~———— **STREET.** Any public road, highway, avenue, alley or boulevard, bridge, viaduct or trestle and the approaches to them and includes off-street parking facilities offered for public use, whether publicly or privately owned, except for hire parking facilities.~~

~~**§ 71.61 SAFETY BELT REQUIRED; CHILDREN TO BE RESTRAINED.**~~

~~———— (A) ——— Each driver and each occupant 16 years of age or older of a motor vehicle operated on the streets of Jefferson County shall wear a properly adjusted and fastened safety belt as provided for under Federal Motor Vehicle Safety Standard 208.~~

~~———— (B) ——— The driver of a motor vehicle operated on the streets of Jefferson County shall secure or cause to be secured in a properly adjusted and fastened safety belt system or child safety restraint any passenger under 16 years of age to whom the provisions of KRS 189.125 do not apply.~~

~~**§ 71.62 EXEMPTIONS.**~~

~~———— The provisions of this ordinance shall not apply to the following:~~

~~———— (A) ——— A motor vehicle manufactured before July 1, 1966;~~

~~———— (B) ——— A motor vehicle operator or passenger who has a physically or psychologically handicapped condition which would prevent appropriate restraint in a safety belt or child safety restraint, provided that the condition is duly certified by a physician who shall state the nature of the handicap, as well as the reason such restraint is inappropriate and provided, further, that the motor vehicle operator and/or passenger shall keep the certification in his/her possession as prima facie evidence of~~

~~the physical or psychological handicapped condition which would prevent appropriate restraint in a safety belt or child safety restraint; or~~

~~(C) — A motor vehicle which is not required to be equipped with a safety belt system under federal law.~~

~~§ 71.63 DETENTION SOLELY FOR NONCOMPLIANCE PROHIBITED.~~

~~—— No person shall be stopped, inspected or detained solely to determine compliance with this ordinance.~~

~~§ 71.64 PROPER SIGNAGE SHALL BE PLACED.~~

~~—— Upon passage of this ordinance by the Mayor, the Louisville/Jefferson County Public Works and Transportation Division of the Environmental and Community Development Department shall place proper signage along the streets entering into Jefferson County, advising motor vehicle operators and passengers of this ordinance. Any cost associated with this ordinance shall be allocated out of the General Fund.~~

~~§ 71.65 PENALTY.~~

~~—— Any person who violates §§ 71.60 through 71.63 shall be fined not more than \$25.~~

~~TRUCKS; CARGO TRANSPORTING VEHICLES~~

~~§ 71.75 DEFINITIONS.~~

~~———— For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~———— **DEPARTMENT.** The Department of Highways.~~

~~———— **HIGHWAY.** Any public road, street, avenue, alley or boulevard, bridge, viaduct or trestle and the approaches to them.~~

~~———— **MOTOR TRUCK.** Any motor-propelled vehicle designed for carrying freight or merchandise. It shall not include self-propelled vehicles designed primarily for passenger transportation, but equipped with frames, racks or bodies having a load capacity of not exceeding 1,000 pounds.~~

~~———— **OPERATOR.** The person in actual physical control of a vehicle.~~

~~———— **SEMITRAILER.** A vehicle designed to be attached to, and having its front end supported by, a motor truck or truck tractor, intended for the carrying of freight or merchandise and having a load capacity of over 1,000 pounds.~~

~~———— **TRUCK TRACTOR.** Any motor-propelled vehicle designed to draw and to support the front end of a semi-trailer. The semitrailer and the truck tractor shall be considered to be one unit.~~

~~———— **VEHICLE.** Includes all agencies for the transportation of persons or property over or upon the public highways of this Commonwealth and all vehicles passing over and upon said highways, excepting road rollers, road graders, farm tractors, vehicles on which equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails, and such vehicles as are propelled by electric power obtained from overhead wires while being operated within any municipality or beyond~~

~~the metropolitan limit of any municipality. MOTOR VEHICLE shall include all vehicles as defined above which are propelled otherwise than by muscular power.~~

~~§ 71.76 COVERING REQUIRED TO PREVENT ESCAPE OF CONTENTS OF VEHICLE.~~

~~—— It shall be unlawful for the owner or operator of any vehicle carrying or transporting earth, dirt, sand, gravel, rocks, ashes, coal, paper, garbage, waste or refuse to operate such vehicle or permit such vehicle to be operated upon or over any highway of Jefferson County unless the contents in such vehicle are covered with a tarpaulin or other covering which shall prevent said contents from escaping upon said highway or upon private property.~~

~~§ 71.77 OPERATION OF VEHICLE SO THAT CONTENTS SPILL PROHIBITED.~~

~~—— It shall be unlawful for the owner of or operator of any vehicle carrying or transporting any matter or item whatsoever, whether referred to hereinabove or not, to operate in such manner as to cause the contents therein to be spilled, dropped or cast therefrom upon the highways of Jefferson County or upon private property.~~

~~§ 71.78 COMPLIANCE WITH SAFETY; ECOLOGY REGULATIONS REQUIRED.~~

~~—— It shall be unlawful for any vehicle, so described, using the highways of Jefferson County to violate any of the safety or ecology regulations that presently exist or shall be adopted in the future in the form of regulations of the Kentucky Department~~

~~of Motor Transportation, including but not limited to proper booming of a flatbed truck and other regulations regarding the safe transportation of cargo.~~

~~§ 71.79 PENALTY.~~

~~Any person or operator or owner of any such vehicle who violates any of the provisions of §§ 71.75 through 71.78 shall be fined not less than \$10 nor more than \$100 for each offense.~~

DANGEROUS OPERATION; ACCIDENTS

§ 71.85 BOARDING OR ALIGHTING FROM MOVING VEHICLES.

It shall be unlawful for any person to board or alight, or be permitted to board or alight, from a bus, train or vehicle while the bus, train or vehicle is in motion.

§ 71.86 SPEED REGULATIONS.

It is determined on the basis of an engineering and traffic investigation that the speed permitted by KRS 189.390(5)(a) on highways in business and residential districts is greater than is reasonable or safe under the conditions found to exist in Louisville Metro. The maximum speed on Louisville Metro streets and roads is declared to be 25 miles per hour subject to the exceptions which follow:

(A) If the ~~Director of Public~~ Director determines, upon the basis of an engineering and traffic investigation, that any speed limit which is greater than is reasonable or safe under the conditions found to exist at any intersection, or upon any part of a Louisville Metro street or road, the ~~Director of Public~~ Director may establish,

by official order, a reasonable and safe speed limit at the location. These speed limits shall be effective at any time when appropriate signs giving notice thereof are erected.

(B) On Louisville Metro Through roads, except within the central traffic district, the speed shall be 35 miles per hour, subject to the limitation applicable to all streets and roads noted in this section and as set forth below in § 71.87.

(C) In a highway work zone, the ~~Director of Public~~ Director may temporarily reduce established speed limits without an engineering or traffic investigation. A speed limit established under this section shall become effective when and where posted. The ~~Director of Public~~ Director shall post signs notifying the traveling public of the temporary highway work zone maximum speed limit. Nothing in this section shall be construed to prevent the ~~Director of Public~~ Director from using moveable or portable speed limit signs in highway work zones.

(D) The ~~Director of Public~~ Director is authorized to post speed limits, as indicated herein, by uniform signs and markings of a fixed type and uniformly placed, as conditions permit. No person other than authorized by the ~~Department of Public~~ Director shall erect any such signs or place such markings.

§ 71.87 EXCEPTIONS TO SPEED REGULATIONS.

(A) Notwithstanding any provision of § 71.86, it shall be unlawful for any person:

(1) To operate any vehicle at a rate of speed exceeding 25 miles per hour in any properly marked playground zone during the hours the playground is opened and in use, or in any other area where there has been installed either

temporarily or permanently by the ~~Department of Public~~ Director, either a school speed limit sign, which when operating shows flashing yellow signals and displays in illuminated numerals the speed limit in effect at the time, or a school speed limit sign establishing the particular hours which the above speed limit is in effect.

(2) To drive any vehicle in any alley in Louisville Metro at a rate of speed in excess of 20 miles per hour.

(3) To drive any vehicle on any road in any public park in Louisville Metro at a rate of speed in excess of 25 miles per hour.

(4) To drive any vehicle on any bridle path in Louisville Metro at a rate of speed in excess of 15 miles per hour.

(B) The speed limit on Louisville Metro Through Roads may be no more than 45 miles per hour or less than 25 miles per hour as determined specifically by the ~~Director of Public~~ Director.

(C) No person shall drive a motor vehicle at such low speed as to impede the reasonable movement of traffic. No person shall refuse to comply with directions of an officer given in accordance with this section.

~~§ 71.88 ACCIDENTS INVOLVING HAZARDOUS MATERIALS.~~

~~———— In the event of a railroad, river, highway, or air accident due to willful disregard of federal laws regulating safety standards in which the cargo being transported is of a hazardous nature and the assignment of city personnel or equipment is necessary to protect the health, safety, or property of citizens, the person or persons, firm, corporation, or partnership responsible for the willful disregard of such safety standards~~

~~in the transportation of such materials shall reimburse the Metro Government for any cost incurred in alleviating the emergency. The cost shall be as determined by the Director of Safety and shall be collected by civil action.~~

§ 71.89 § 71.88 ACCIDENTS INVOLVING A LOW CLEARANCE.

In the event that an operator of a vehicle fails to heed a low clearance sign and gets the vehicle stuck in a signed low clearance area, and the assignment of Metro Government personnel or equipment is necessary to protect the health, safety, or property of citizens, the driver of the vehicle responsible for the willful disregard of such low clearance signs shall reimburse the Metro Government for any cost incurred in alleviating the emergency. The cost shall be as determined by the ~~Director of Safety~~ Director of the Department for Public Protection and shall be collected by civil action.

§ 71.90 PENALTY.

~~(A) — Whoever violates §§ 71.86, 71.87 or any other ordinance of the Louisville/Jefferson County Metro Government or any statute of the state restricting speeding shall be fined as provided by KRS 189.394.~~

~~(B) — Whoever violates § 71.87 shall be fined not less than \$20 nor more than \$100.~~

§ 71.89 REFERENCES TO STATUTES AND OTHER ORDINANCES

Any Kentucky state statute or administrative regulation, or any ordinance of the Louisville/Jefferson County Metro Government cited, referred to, or incorporated by reference in this Chapter shall be deemed to refer to or incorporate by reference any

amendment, revision, or successor to the statute, regulation, or ordinance so cited, referred to, or incorporated by reference.

§ 71.91 § 71.90 SEVERABILITY.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 71.99 PENALTIES.

(A) Any person who violates §§ 71.02, 71.10, 71.25, or 71.26, of this Chapter shall be fined not less than \$25 nor more than \$100.

(B) Any person, owner, or operator of any vehicle who violates any of the provisions of §§ 71.04, 71.05, or 71.06 of this Chapter shall be fined not less than \$25 nor more than \$250 for each offense.

(C) Any person who violates §§ 71.86 or 71.87 of this Chapter, or who violates any other ordinance of the Louisville/Jefferson County Metro Government or any statute of the state restricting speeding, shall be fined as provided by KRS 189.394.

(D) Any person who violates § 71.85 of this Chapter shall be fined not less than \$20 nor more than \$100.

SECTION II. This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____

Chapter 71 - Traffic Rules - Reenactment - Working Draft - 22 Nov 2006 - ROC/wtw/kc
Chapter 71 - Reenactment - Traffic Rules – 2 April 2007 - ROC/wtw